

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA and
STATE OF NEW JERSEY,

Plaintiffs,

v.

No. 2:17-cv-04540-WB

DONALD J. TRUMP, *in his official capacity as President of the United States*; ALEX M. AZAR II, *in his official capacity as Secretary of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, *in his official capacity as Secretary of the Treasury*; UNITED STATES DEPARTMENT OF THE TREASURY; EUGENE SCALIA, *in his official capacity as Secretary of Labor*; UNITED STATES DEPARTMENT OF LABOR; and UNITED STATES OF AMERICA.

Defendants.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs the Commonwealth of Pennsylvania and the State of New Jersey, by and through their undersigned counsel, hereby file this Motion, requesting that this Court grant summary judgment against all Defendants on Counts I, II, IV, and V of the Amended Complaint, ECF No. 89, filed on December 14, 2018, and vacate the following rules (the "Rules"):

- a) Religious Exemptions and Accommodations for Coverage of Certain Preventive Services
Under the Affordable Care Act (82 Fed. Reg. 47,792 & 83 Fed. Reg. 57,536).
- b) Moral Exemptions and Accommodations for Coverage of Certain Preventive Services
Under the Affordable Care Act (82 Fed. Reg. 47,838 & 83 Fed. Reg. 57,592).

As set forth in the contemporaneously filed Memorandum of Law, there are no genuine issues of material fact, and Movants are entitled to judgment as a matter of law. The Rules are unlawful for the following reasons:

1. They violate the constitutional guarantee of Equal Protection under the law (Count I);
2. They violate Title VII of the Civil Rights Act and the Pregnancy Discrimination Act (Count II);
3. They were issued in violation of the substantive requirements of the Administrative Procedure Act, as they are arbitrary and capricious and violate multiple provisions of the Affordable Care Act and other laws (Count IV); and
4. They violate the Establishment Clause of the First Amendment (Count V).

This Motion is supported by the contemporaneously filed Memorandum of Law, the Joint Appendix submitted in this matter, and any additional submissions that may be considered by the Court.

September 29, 2020

Respectfully submitted,

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